

DD/A REGISTRY

PERS. 79-6521

FILE: Personnel

DD/A Registry

79-3500

7 NOV 1979

MEMORANDUM FOR: Deputy Director of Central Intelligence

FROM: Harry E. Fitzwater
Director of Personnel

SUBJECT: Age As It Relates to Occupational Qualification
for Employment in CIA

REFERENCES: (a) DCI MAG Memo to DCI dated 16 May 1979,
Same Subject.
(b) D/Pers Memo to DDCI dated 25 May 1979,
Same Subject

1. In reference (a) the DCI Management Advisory Group recommended a study be conducted of whether age is an occupational qualification necessary to the operation of the Agency in order that reasonable defenses could be established against allegations of age discrimination. We found in examining this subject that the Office of Legislative Counsel recently responded to a request from the Office of Management and Budget for the Agency's views on H.R. 70, the "Age Discrimination in Employment Amendments of 1979." In its memorandum the Office of Legislative Counsel advanced the argument that an aging of the operational cadre, the diminution of vigor, adaptability, and resiliency within its ranks, and increased difficulty in arranging cover made it necessary for the Agency to have a mandatory retirement age. While H.R. 70 does not directly affect the Agency, a related Bill, H.R. 632, the "Age Discrimination in Federal Employment Act of 1979," would prohibit the Director of Central Intelligence from terminating an Agency employee solely on the basis of age. For that reason, the Office of Legislative Counsel is monitoring closely proposed legislation which would limit the Director's termination authority or any related legislation pertaining to mandatory retirement from the Federal Government.

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2. We believe the comments forwarded to the Office of Management and Budget by the Office of Legislative Counsel respond to the concern of the DCI MAG in terms of demonstrating the arguments which have been prepared in support of a continuance of mandatory retirement under CIARDS. In view of the potential erosion of the Director's authority, we intend to monitor closely the progress of proposed legislation pertaining to age discrimination as it affects the Agency.

[Redacted Signature Box]

Harry E. Fitzwater

STAT

Attachment: LC Letter to OMB re H.R. 70

cc: DCI MAG

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